

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ALIGN TECHNOLOGY, INC.,

Plaintiff

vs.

CLEARCORRECT, INC.,
CLEARCORRECT OPERATING, LLC,
and CLEARCORRECT HOLDINGS, LLC

Defendants.

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Case No. 4:11-cv-00695

JURY DEMANDED

JOINT STATUS REPORT

Pursuant to the Court's January 23, 2015 Order (Dkt. No. 111), Plaintiff Align Technology, Inc. ("Align"), and Defendants ClearCorrect, Inc., ClearCorrect Operating, LLC, and ClearCorrect Holdings, LLC ("ClearCorrect") submit this Status Report.

This case has been stayed since May 10, 2012 pursuant to 28 U.S.C. §1659(a) and the Court's discretion.

There are two pending matters before the International Trade Commission ("ITC") and/or on appeal to the Court of Appeals for the Federal Circuit. In the first matter, *Inv. No. 337-TA-562* ("the '562 Proceeding") the ITC terminated the proceeding in January 2013. Align appealed, and the Federal Circuit reversed and remanded, *Align Technology, Inc. v. Int'l Trade Comm'n*, 771 F.3d 1317 (Fed. Cir. 2014). That case is set for hearing before the Administrative Law Judge in Washington, D.C. on April 15-17, 2015, with a Target Date for resolution by the ITC on October 26, 2015. The parties expect that there will be a likely appeal of the ITC's decision on remand when it is issued.

In the second matter, on April 3, 2014, the International Trade Commission ("ITC") found that ClearCorrect and related entities violated 19 U.S.C. § 1337 and issued a cease and desist order. The final determination is on appeal to the Federal Circuit Court of Appeals since June 2014, and

the ITC stayed enforcement of the cease and desist order until the appeal is decided.

Based on the current scheduling order, the parties expect the Federal Circuit will hold oral argument on the second matter during the summer of 2015 with an opinion expected in late 2015 or early 2016. The parties will inform the Court of action by the Federal Circuit and suggest that the Court set a further status conference in this matter sixty days after both of the ITC proceedings become final.

Date: February 6, 2015

McClanahan Myers Espey, LLP

/s/ Randy J. McClanahan by permission

Randy J. McClanahan

Texas State Bar No. 13391500

Michael D. Myers

Texas State Bar No. 00791331

Robert H. Espey, II

Texas State Bar No. 24007163

6750 W. Loop South, Suite 920

Houston, TX 77401

Tel: (713) 223-2005

Fax: (713) 223-3664

ATTORNEYS FOR DEFENDANTS
CLEARCORRECT OPERATING, LLC;
CLEARCORRECT HOLDINGS, LLC;
CLEARCORRECT, Inc.

Respectfully submitted,

Smyser Kaplan & Veselka, LLP.

/s/ Lee L. Kaplan

Lee L. Kaplan

State Bar No. 11094400

Federal ID No. 1840

700 Louisiana, Suite 2300

Houston, Texas 77002

Telephone: (713) 221-2300

Facsimile: (713) 221-2320

ATTORNEYS FOR PLAINTIFF
ALIGN TECHNOLOGY, INC.

Of Counsel:

Thomas A. Counts, Bar No. 148051

Ryan Nier, Bar No. 243876

(pro hac vice)

PAUL HASTINGS LLP

55 Second Street

Twenty-Fourth Floor

San Francisco, CA 94105-3441

Telephone: (415) 856-7000

Facsimile: (415) 856-7100

tomcounts@paulhastings.com

Elizabeth L. Brann, Bar No. 222873

(pro hac vice)

PAUL HASTINGS LLP

4747 Executive Drive

12th Floor

San Diego, CA 92121

Telephone: (858) 458-3000

Facsimile: (858) 458-3005

elizabethbrann@paulhastings.com

ATTORNEYS FOR PLAINTIFF
ALIGN TECHNOLOGY, INC.

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on February 6, 2015, a true and correct copy of the foregoing was served through the Court's ECF electronic filing system:

Via Email:

Randy J. McClanahan
Michael D. Myers
Robert H. Espey, II
McClanahan Myers Espey. L.L.P.
6750 W. Loop South, Suite 920
Houston, TX 77401
Phone: (713) 223-2005
Fax: (713) 223-3665

/s/ Lee L. Kaplan

Lee L. Kaplan